

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

Indian Housing Authorities;  
State/Area Coordinators;  
Directors, Office of Public  
Housing, and Administrators,  
Office of Native American  
Programs

NOTICE PIH 97-50(HA)  
Issued: 9/19/97  
Expires: 9/30/98

Expiration of Section 8 Annual Contributions Contracts  
between the Department of Housing and Urban Development  
(HUD) and Indian Housing Authorities

1. **PURPOSE:** This Notice provides clarification of the impact of Sections 502 and 503 of the Native American Housing Assistance and Self Determination Act (NAHASDA) of 1996 on the renewal of Annual Contributions Contracts (ACC) for the Section 8 rental certificate, rental voucher, and moderate rehabilitation programs administered by Indian Housing Authorities (IHAs). The provisions of this notice do not apply to assistance provided from amounts made available pursuant to a commitment entered into on or before September 30, 1997.

Section 502 terminates financial assistance after September 30, 1997 for ACCs or any commitment or contract entered into under the United States Housing Act of 1937 (the USHA of 1937) between an IHA and the Secretary of HUD. Section 502 also terminates restrictions on use of any Indian housing developed or operated pursuant to a contract between the Secretary and an IHA but mandates that this housing be considered and maintained as affordable housing.

Section 503 states that no additional financial assistance for rental housing can be provided to any IHA or Tribally Designated Housing Entity (TDHE) unless such assistance is provided pursuant to a contract entered into by the Secretary of HUD and an IHA or TDHE on or before September 30, 1997.

The NAHASDA does not allow HUD to enter into new Section 8 ACCs (including the renewal of expiring ACCS) with IHAs after September 30, 1997.

2. **BACKGROUND:** Section 6 of the Indian Housing Act of 1988 amended the USHA of 1937 by adding Title II-Assisted Housing for Indians and Alaska Natives. Title II established a program of assisted housing for Indians and Alaska natives separate from public housing. The program provided low-income housing on Indian reservations and other Indian areas in accordance with provisions.

Public Law 104-330, the NAHASDA of 1996, amended Title I and repealed the provision of Title II terminating assisted housing for Indians and Alaska Natives under the USHA of 1937.

3. **EXPIRATION OF SECTION 8 ACC'S:** The provisions of this Notice apply to all IHAs administering Section 8 programs. In accordance with the NAHASDA of 1996, HUD is not authorized to renew ACCs with any IHA or TDHE after September 30, 1997 for the Section 8 rental certificate, rental voucher, and moderate rehabilitation programs. IHA contract renewals that were executed on or before September 30, 1997, will continue to be funded until the expiration of the ACC term, based on the availability of appropriations.
4. **IHA NOTIFICATION TO SECTION 8 PARTICIPANTS AND OWNERS OF MODERATE REHABILITATION UNITS:** IHAs administering Section 8 rental certificate and rental voucher programs for which the ACC term will expire after September 30, 1997, must immediately notify Section 8 participants (including families that have exercised the portability provisions of the Section 8 program and have not been absorbed by the receiving housing authority) that their Section 8 assistance will end upon expiration of the ACC in accordance with the Housing Assistance Payment (HAP) Contract, Part B, subpart 6, paragraph iv.

Owners of Section 8 moderate rehabilitation units must also be notified that after September 30, 1997, HAP contracts will not be renewed upon the expiration of their current HAP contracts. Owners should be advised that they must provide written notice of the impending HAP contract expiration to each Section 8 participant family 180 days before the contract expires. A copy of the written notice must also be sent to the appropriate housing authority in accordance with Section 8(c)(9) of the USHA of 1937, amended by the 1990

Emergency Supplemental Appropriations Act.

Section 8 rental certificate and rental voucher program participants should be advised to contact their local IHA, tribe, or TDHE for information regarding new programs available under NAHASDA. In addition, Section 8 participants may want to contact local or state public housing agencies for availability of assistance under the Section 8 program.

/s/

Kevin Emanuel Marchman,  
Acting Assistant Secretary  
for Public and Indian Housing

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